OIPE
MAR 2 4 2005
PATENT & TRADEMARK OFFICE
JC101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
R. de Sylva	:	Group Art Unit 1723
Serial No. 09/942,304	:	Examiner: M. Savage
Filed: August 30, 2001	:	Date: March 21, 2005
For: COMPACT FLUID	:	
CLEANING SYSTEM	:	

SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.131

TO SWEAR BEHIND REFERENCE

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Applicant's previous Affidavit under Rule 131, filed on 1/19/05, is herein incorporated by reference. The above-identified Affidavit includes exhibits A – H, which provide evidence and testimony to antedate US Patent No. 5, 824, 211 (Lowry) for subject matter disclosed and claimed in U.S. Patent Application, Serial No. 08/826,727, which is the parent of the Continuation-In-Part U.S. Patent Application, Serial No. 09/942,304.

Exhibit A: Exhibit A is a letter from a witness Paul Oravecz. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Paul Oravecz and was diligent in reducing the invention to practice.

Exhibit B: Exhibit B is a letter from a witness Dione Apple. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Dione Apple.

Exhibit C: Exhibit C is a letter from Daniel Potasz, who witnessed Charles Lowry asking Robert de Sylva questions pertaining to Robert de Sylva's proprietary oil recycling system before May 3, 1995. The fact herein relied upon is that Robert de Sylva transferred ideas to Charles Lowry, as witnessed by Daniel Potasz, that were subsequently disclosed in Lowry, and therefore should not be used by Examiner to reject Applicant's claims.

The PTO did not receive the following listed item(s) all Exhibits

Exhibit D: Exhibit D is a letter from Robert de Sylva explaining his working relationship with Charles Lowry. The fact herein relied upon is that Robert de Sylva conceived the embodiments of U.S. Patent Application, Serial No. 08/826, 727 before May 3, 1995.

Exhibit E: Exhibit E is a collection of drawings sheets 1-5 employed to construct a prototype of the Fig. 2 embodiment of U.S. Patent Application, Serial No. 08/826, 727. Sheet 1 is a working cross-sectional diagram of the mobile oil recycling device that was used to construct a working prototype, the design/construction beginning in 1995. Sheet 2 is a working diagram constructed by the machinist illustrating the central tube and accompanying grooves employed to enhance the evaporation surface on the interior of the tube. Sheet 3 shows the design of the bottom end cap of the prototype. Sheet 4 shows how the inner tube fits with the end caps. Sheet 5 shows the threading between the outer tube and the end caps of the prototype. The fact herein relied upon is that Robert de Sylva was diligent in reducing the invention to practice in approximately February 1995.

Exhibit F: Exhibit F includes two sheets illustrating diagrams of an oil recycling unit that Robert de Sylva commissioned Charles Lowry to produce via his computer in February 1995 based on Robert de Sylva's input. Charles Lowry was extremely excited to participate in Robert de Sylva's new invention after Robert de Sylva explained to him the details of the invention. Charles Lowry asked Robert de Sylva if he could illustrate Robert de Sylva's proposed oil recycling device via his computer. Robert de Sylva allowed Charles Lowry to construct some figures based on Robert de Sylva's instructions. Exhibit F includes some of those figures. Note that Sheet 1 of exhibit F is very similar to Fig. 1 of Lowry. Although these diagrams do not have the date written on them, they were produced in February 1995. The handwriting on Sheet 1 represents some of my notes to Charles Lowry regarding the diagrams. The notes on Sheet 1 were written (by me) in approximately February 1995. The fact herein relied upon is that Robert de Sylva invented concepts disclosed and claimed in Lowry before May 3, 1995. Furthermore, Robert de Sylva was diligent in reducing the invention to practice by having Charles Lowry develop drawings for the development of a prototype.

Exhibit G: Exhibit G includes photographs illustrating a prototype that Robert de Sylva implemented with the assistance of Paul Oravecz subsequent to disclosing the invention to Paul Oravecz in 1994. This is the prototype referenced in the letter by Paul Oravecz (Exhibit A). The top of the evaporation chamber of the prototype is particularly visible in the lower right-hand photo of Exhibit G. Oil analysis was periodically performed by Ana Laboratories

(www.analaboratories.com). The device tested successfully. The prototype is still installed on Paul Oravecz's truck, and the oil still does not need changing.

Exhibit H: Exhibit H includes photographs illustrating a second prototype completed shortly after the prototype implemented in Exhibit G. The prototype of Exhibit H was constructed based on the drawings of Exhibit E. This prototype was constructed in February 1995.

The upper left-hand photo of Exhibit E shows a side view of the prototype. In this photo, the prototpye is oriented so that the bottom is positioned on the left-hand side of the photo, while the top is positioned on the right-hand side. The bottom of the prototype shows a fluid inlet fitting with an accompanying fluid-sample valve to facilitate taking fluid test samples. The fluid drain is equipped with a hose fitting that is adjacent to the fluid inlet fitting and that is approximately concentric with the body and inner evaporation surface of the prototype. The top of the prototype (right side of the photo) shows a special vent valve that extends from the inner evaporation surface to the outside atmosphere, air intake, or other. The vent facilitates changing the pressure of fluid from the input pressure, such as engine pressure, to a second pressure, such as atmospheric pressure, within the inner evaporation chamber. This pressure change facilitate removing volatile contaminants from the fluid.

The upper right-hand photo of Exhibit E shows a top view of the prototype. The vent that extends from the inner evaporation chamber to the outside atmosphere is visible. The vent is equipped with a vent valve that prevents fluid, such as oil, from inadvertently exiting the vent.

The middle left-hand photo of Exhibit E shows a bottom view of the prototype, wherein the fluid drain fitting that extends from the inner evaporation chamber and the fluid inlet fitting with accompanying fluid-sample valve are shown.

The middle right-hand photo of Exhibit E shows a top view of the prototype with the end cap removed. The inner perforated evaporation chamber with accompanying capillary channels is visible. The chamber and accompanying capillary channels facilitate distributing the fluid within the evaporation chamber via capillary action, thereby facilitating evaporation of contaminants from the fluid. The evaporation chamber is surrounded by a filter. The nature of the vent valve is also visible. The vent valve has a ball that floats and lodges in a seat when fluid rises too high in the evaporation chamber, thereby preventing fluid from escaping from the vent.

The lower left-hand photo of Exhibit E illustrates a top view of the prototype with the filter and end cap removed.

The lower right-hand photo of Exhibit E shows a close-up top view of the prototype with the outer wall, filter, and end cap removed. The input orifice in the bottom cap/plate is visible. The input orifice facilitates changing the pressure of fluid flowing through the prototype. This space is more clearly visible in the middle right-hand photo of Exhibit E.

Conclusion

Robert de Sylva was diligent in pursuing and implementing the invention as evidenced by signed letters of witnesses in the accompanying Exhibits A-D between the date of conception and reduction to practice. The diagrams of Exhibits E and F corroborate diligence prior to the filing date of Lowry, as these diagrams were constructed in preparation for prototype development. This was followed by reduction to practice as illustrated in Exhibits G and H.

The acts herein relied upon to antedate Lowry were performed in the United States.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both.

Respectfully submitted,

Robert de Sylva 3-21-05

Robert de Sylva

Applicant Pro Se

Robert de Sylva
161 Ocean Park Boulevard Unit D,
Santa Monica, California 90405
(310) 452-4579